

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ESTABLISHMENT – APSCSCL – SUITS – APHC - W.P.No.21567 of 1999 filed by Sri. A.Someswaram, LPG Mechanic working on daily wages in the Corporation for regularization of his services – Proposals Examined – Rejected - Orders – Issued.

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CONSUMER AFFAIRS, FOOD & CIVIL SUPPLIES (CS.I) DEPARTMENT

G.O.Rt.No. 89

Dated: 12-10-2009

Read the following:-

1. Orders of the Hon'ble APHC dated 29-9-2008 in WP No.21567 of 1999.
2. From VC & MD, APSCSCL Lr.No.P.Admn.A1/1558/2009, dated 20-4-2009 and 21-8-2009.

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ORDER:-

In the reference 2nd read above, the Vice Chairman & Managing Director, A.P. State Civil Supplies Corporation Ltd. has informed that Sri A.Someswaram was engaged as LPG mechanic on a daily wage on 25-11-1988 and continued till 24-10-1989 and terminated from service w.e.f. 25-10-1989. Again he was appointed as LPG Mechanic on daily wages for a period of 60 days and he reported to duty on 26-4-1990. He worked up to 15-7-1997 with a break in service of 2 to 3 days for every 3 months period and thereafter, he is now working continuously till date. The services of the individual has not been regularized as he did not fulfill the conditions of 5 years of service as on 25-11-1993 as laid down in G.O.Ms.No.212, dated 22-4-1994.

2. The Vice Chairman & Managing Director, A.P. State Civil Supplies Corporation Limited further stated that Sri A.Someswaram, LPG Mechanic filed WP No. 9555 of 1997 in the Hon'ble High Court praying for regularization of his services from the date of appointment i.e. 25-11-1988. Corporation filed counter affidavit. The Hon'ble High Court in its order dated 4-2-1999 ordered that Government shall take an appropriate decision in the matter and the same shall be communicated to the petitioner.

3. Government have examined the matter and informed that the proposal for regularization of the services of Sri.A.Someswaram, daily wage can not be considered as he has not completed required services of 5 years as on 25-11-1993 and the same has been informed to the petitioner, by the Vice Chairman & Managing Director, A.P.State Civil Supplies Corporation Limited, Hyderabad.

4. The Vice Chairman & Managing Director has also stated that the petitioner has filed another WP No.21567/99 in the Hon'ble High Court praying for regularization of his services with effect from 25-11-1988. Corporation filed counter stating that the petitioner was engaged as LPG Mechanic on a daily wages at LPG centre, Palvoncha on 25-11-1988 to 24-10-1989. He was terminated from service on 25-10-1989. Again after examining the request he was appointed as LPG Mechanic afresh at LPG centre, Palvoncha and he reported to duty on 26-4-1990. Hence the contention of the petitioner that he is in continuous service of the Corporation from 25-11-1988 is not true, as the petitioner was not in service of the Corporation for about 6 months from 25-10-1989 to 25-4-1990 and thus he has not completed 5 years of continuous service as on 25-11-1993 as he has been in continuous service of the Corporation only from 26-4-1990 and does not fulfill the stipulated condition in G.O.Ms.No.212, Finance & Plg. (Fin.Wing:PC.III) Dept., dt: 22-4-1994.

Contd...p.2.

6. The Hon'ble High Court while disposing the W.P.No.21567/99, dated 29-9-2008 directed the Corporation (1st respondent) to consider the representation of the petitioner and send the proposal to Govt. (2nd respondent) and 2rd respondent shall consider the same and pass appropriate orders.

7. In pursuance of the directions of Hon'ble APHC order dated 29-9-2008 in W.P.No.21567 of 1999, Government have examined the proposal for regularization of services of Sri A.Someswaram, LPG mechanic, who was appointed on daily wage basis with effect from the date of his appointment i.e., 26-4-1990. He has not completed the required service of 5 years as on 25-11-1993, which is a statutory obligation as per Act 27/98. In view of the said reasons, the case of Sri A.Someswaram, LPG Mechanic on daily wages considered and rejected as per the Act 2/94 of 27/98.

8. The Vice Chairman & Managing Director, A.P. State Civil Supplies Corporation Limited Ltd., shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SANJAY JAJU
E.O. SECRETARY TO GOVERNMENT

To
The V.C. & M.D., A.P.S.C.S.C. Ltd., Hyderabad.
SF/ SC.

// FORWARDED BY ORDER //

SECTION OFFICER